State of California
California Regional Water Quality Control
Board Santa Ana Region

February 7, 2020

ITEM: 9

SUBJECT: Executive Officer's Report

1. <u>Public Meeting for the El Toro Pipeline-Tustin Release Area</u>

A Public Meeting was held in Tustin on Thursday, January 16, 2020, to inform the local citizens of an expansion of remedial activities at the El Toro Pipeline Release Site. In 1990, a significant leak was discovered at the intersection of Newport Avenue and Old Irvine Road, stemming from a 29.5 mile jet fuel pipeline from the Defense Fuel Support Point Norwalk (DFSP Norwalk) tank farm to the El Toro Marine Corps Air Station. In 1999, the pipeline was permanently removed from service and both the El Toro Marine Corps Air Station and the Norwalk tank farm have since closed. Potential impacts to approximately 100 residents of an apartment complex that overlies the Site, are likely limited to the possibility of vapor intrusion in some areas of the complex.

The main topic of discussion at the January 16th Public Meeting focused on the proposed shift in remediation from only free product collection to both vapor and liquid extraction. The planned increase in remedial activity was prompted by a downward movement in groundwater elevations, which will allow the use of a vapor extraction approach in the newly unsaturated sediments. This expansion will consist of the advancement of several vapor extraction wells and the installation of a treatment compound and associated underground piping. The intent of the DoD and Water Board's outreach effort was to create a contact list of interested parties for future communications regarding the pipeline.

Approximately 20 residents and interested parties attended the Public meeting and came by to ask questions of the Santa Ana Water Board's Underground Storage Tank Section Staff. In addition to Santa Ana Water Board Staff, representatives of the County of Orange Health Care Agency, the State Board's Office of Public Participation, Cal-EPA's Office of Environmental Health Hazard Assessment, the City of Tustin, and staff and consultants representing the responsible party, the U. S. Department of Defense (DoD) Defense Logistics Agency, were available to answer questions. Typical questions were related to the remedial approaches, the perceived health effects of the release, and the anticipated timeframe needed for the remedial activities.

Staff will continue to keep the Board advised about this matter.

2. Los Alamitos Race Course: Compliance status with Cleanup and Abatement Order

As you recall, the Santa Ana Water Board adopted Cleanup and Abatement Order (CAO) R8-2019-0037 on October 25, 2019 which required Los Alamitos Race Course (and Edward Allred) to assess, clean up, and abate wastes discharged to Waters of the State. Key elements identified in the CAO required Los Alamitos Race Course to submit an Investigation Report to identify sources of waste that discharge to the facility sampling point and to submit a workplan to eliminate those sources of waste. The discharger has submitted all reports within the prescribed timelines. Santa Ana Water Board staff have reviewed and approved the workplan and the Discharger has begun implementation of the approved workplan. One remaining task Los Alamitos Race Course must complete is the dissemination of the finalized Fact Sheet to the facility-developed and Regional Board-reviewed Interested Persons Contact List. Los Alamitos Race Course is expected to submit an Implementation Completion Report by February 3, 2020 (60 days after the Work Plan approval).

3. Status of the Colton Landfill

At the October 25, 2019 Regional Board meeting, State Board member Sean Maguire presented information about some impacted drinking water systems in the Santa Ana Region, and explained the funding mechanisms for assistance available under SB 200, the Safe and Affordable Drinking Water Act. In his presentation, Mr. Maguire talked about emerging contaminants such as PFOA/PFAS in groundwater.

Board member Rivera requested an update regarding groundwater quality in the vicinity of the Colton Landfill, and expressed a concern regarding the potential presence of emerging contaminants. Presented below is a summary regarding the landfill.

Status: The Colton Landfill is an unlined landfill that was actively operated from 1964 to 2014. It is now an inactive facility, owned and managed by the San Bernardino County Solid Waste Management Department (SBCo). Deliveries of solid waste to the landfill were discontinued in December of 2014. There is an on-site landfill gas extraction system that is in regular operation. Operation of the landfill gas extraction system minimizes or prevents refuse degradation products, such as volatile organic compounds (VOCs), from migrating through the refuse and into the underlying groundwater. In addition, groundwater is monitored at the site and in the downstream (downgradient) areas on a semi-annual basis. Hydrogeology at the landfill and in its vicinity is rather complex. The landfill is directly adjacent to the Santa Ana River (River). The City of San Bernardino's wastewater treatment plant – the Rapid Infiltration and Extraction (RIX) Facility discharges just downstream from the landfill. In addition, the San Jacinto Fault intersects the River approximately 2.5 miles upstream. All these factors affect groundwater elevations, gradients, flow, and quality at the landfill.

In recent monitoring, only very low levels of a small number of VOCs have been detected in groundwater samples, while most of the general chemistry and field parameters are below or within the range of their respective drinking water maximum contaminant levels (MCLs). It is important to note that samples from the landfill's groundwater monitoring wells have not been tested for PFOA/PFAS; however, Regional Board and State Board staff will be requesting monitoring for PFOA/PFAS at this landfill in the near future along with several other closed or inactive landfills in the region.

Closure: At the time that waste disposal operations ceased, SBCo requested a 5-year deferral (in accordance with California Code of Regulations, Title 27) before commencing closure activities to allow waste materials to settle. The Executive Officer granted the 5-year deferral, commencing in 2015. Accordingly, the facility has not yet been formally closed. SBCo staff are currently designing the various components for closure of the site. Closure activities involve placement of a 5-foot thick layer of low permeability soil on the surface of the landfill, followed by conditioning, compacting and grading the soil for proper drainage and site access, and installation of an updated long-term gas extraction system.

Full information about groundwater quality, landfill gas extraction system, and site closure status for Colton Landfill may be found on the State Water Board's GeoTracker website at the following link:

https://geotracker.waterboards.ca.gov/profile_report?global_id=L10003692464

4. Cannabis Program Update

The State Water Board adopted the Cannabis Cultivation Policy – Principles and Guidelines for Cannabis Cultivation in 2017 (amended in April 2019). The Cannabis Policy establishes requirements for the diversion and use of water, land disturbances, and discharges of waste related to cannabis cultivation. The requirements are intended to minimize deleterious effects of cannabis cultivation activities on fisheries, wildlife, and water quality; maintain healthy riparian corridors; and protect springs, wetlands, and aquatic habitat.

The South Coast Cannabis Unit is based at the Santa Ana Water Board office in Riverside and serve the Santa Ana, Los Angeles, and San Diego Regional Water Boards. The mission of the Cannabis Unit is to implement the Water Boards' Cannabis Cultivation Program by enrolling and regulating licensed cannabis cultivation operations, and by preparing enforcement actions against noncompliant and/or illicit cannabis cultivations.

Enrollment: The Cannabis Unit has received applications for coverage under the statewide General Order from 530 commercial cannabis cultivators in the Santa Ana, Los Angeles, and San Diego Regions. Notices of Applicability (NOAs; serves as

proof of enrollment and coverage under Waste Discharge Requirements [WDRs] or a Waiver of WDRs) have been issued to 520 of those cultivators. NOAs for the remaining applicants are pending payment, review, and approval.

The Santa Ana Region has 27 active or soon-to-be active cultivation operations. The limiting factor for the number of enrollments in the Santa Ana Region is a lack of cultivation permits issued by local governments, and the outright prohibition of commercial cultivation within many local communities.

The San Diego Region has 24 active or soon-to-be active cultivation operations, primarily located in the City of San Diego. Cannabis cultivation is not permitted in the unincorporated areas of San Diego County, and law enforcement agencies continue to aggressively perform eradication in those areas.

The Los Angeles Region hosts the largest number of enrolled grow operations (479), which is directly attributable to the large number of indoor cultivation permits issued by the cities of Los Angeles and Long Beach, among others.

Region	Active Applications	NOAs Issued	Withdrawn or Terminated
Los Angeles	479	470	58
Santa Ana	27	27	7
San Diego	24	23	2
Total	530	520	67

Many cities and counties in southern California continue to prohibit the commercial cultivation of cannabis (see attached map Figure 1). Unit staff expects enrollments to increase over time as cities with existing pro-grow ordinances issue additional permits. For example, the Riverside County Planning Department is reviewing 30 Conditional Use Permit applications for commercial cultivation in Riverside County. Cannabis Unit staff have reached out to all 30 applicants with information about enrollment in the Water Board's Cannabis Program.

Compliance: Compliance inspections were not authorized prior to February 2019, as the Cannabis Program Health and Safety Procedures had not been finalized and required safety equipment (e.g. gas monitoring instruments) had not been procured. Once authorization was obtained, from February 2019 to January 2020, South Coast Regional Cannabis Unit staff, conducted approximately 30 compliance inspections. All violations noted by staff during these inspections were corrected voluntarily by dischargers and no formal civil administrative enforcement actions for non-compliance have been initiated at this time. The number of compliance inspections is

expected to increase in 2020, though no formal performance target has been defined.

Enforcement: Under California law (Health and Safety Code [HSC] Sec. 11358), unlicensed cannabis cultivation is a misdemeanor criminal offense. Various environmental violations under the California Water Code (Water Code; CWC) and Fish and Wildlife Code are felony enhancements under HSC 11358, including CWC Sec. 13260 violations for discharge of waste without applying for the appropriate Waste Discharge Requirements under the Cannabis Policy and General Order.

Unauthorized discharge of waste and diversion of surface water without an appropriative water right (or small irrigation use permit) are violations of the Water Code and may be cause for Regional or State Water Board civil administrative enforcement action, in addition to any criminal proceedings. Investigating unauthorized discharges of waste, including pesticides, nutrients, and sediment, as well as surface water diversions associated with cannabis cultivation in the South Coast Region is the responsibility of the Cannabis Unit.

From January 2018 to January 2020, South Coast Regional Cannabis Unit staff, working closely with local law enforcement agencies, conducted more than 160 search warrant inspections and documented environmental violations at illicit cultivation sites. Unit staff also coordinate with attorneys from the State Water Resources Control Board - Office of Enforcement. These cases are considered ongoing investigations.

Some specific notable enforcement events are as follows: Unit staff, in conjunction with Santa Ana and San Diego Regional Water Board enforcement staff and Office of Enforcement inspectors, participated in two large multi-county and multi-agency enforcement efforts led by the Riverside County Sheriff's Office during the summer of 2019. During the operations, named "El Gigante" and "Big Kahuna" in media releases, staff inspected and documented environmental violations at 44 illicit indoor cultivation sites (included in tally above).

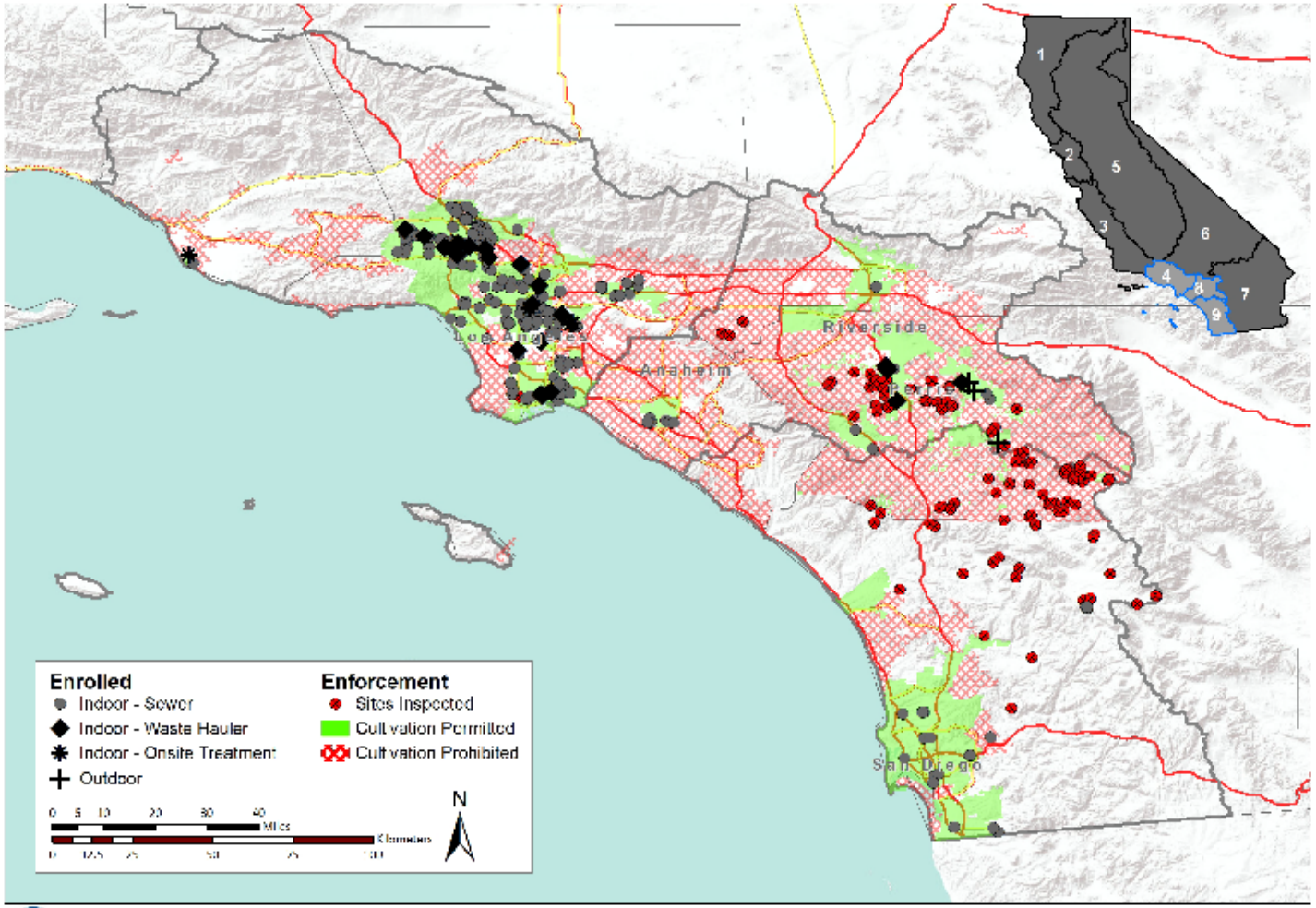
In addition, Unit staff and Regional enforcement staff participated in a multi-county and multi-agency enforcement effort led by the Riverside County District Attorney's Office on October 30, 2019. During the operation, staff inspected and documented environmental violations at seven illicit indoor cultivation sites (included in tally above) and have been subpoenaed to testify in a resulting criminal prosecution. This case is ongoing.

Indoor Effluent Sampling Project: Characterization of Discharge from Indoor Cannabis Cultivation Operations in the Los Angeles, Santa Ana, and San Diego Regions: Beginning in November 2019, staff began an indoor cultivation effluent sampling pilot project. The objective of this pilot project is to characterize wastewater effluent generated by permitted indoor cannabis cultivation facilities.

Indoor commercial cannabis cultivation facilities mimic natural outdoor conditions in a controlled, indoor environment. Indoor cannabis cultivation may be performed using hydroponic growing systems, soil, or other growth media. To meet high yield and rapid maturation demands, municipal source water is often pre-treated (e.g. reverse osmosis and/or carbon filtration), then augmented with nutrients and fertilizers prior to plant application. Cultivators commonly use water quality multi-meters to closely monitor total dissolved solids (TDS) concentrations, electrical conductivity (EC), and pH in irrigation water since excessive concentrations of salts, nutrients, or metals can be detrimental to plant growth. Wastewater is discharged from these facilities when irrigation water chemistry is no longer within specifications and becomes detrimental to plant growth, for example when the salinity concentration is excessive. However, the wastewater chemistry is poorly understood. We expect that the chemistry of the waste stream will vary widely from site to site, depending on cultivation practices. Indoor cultivation wastewater is typically discharged to a community sewer system.

Water quality samples have been collected from four enrolled facilities in the Los Angeles Region and results are pending. Sampling will be expanded to additional sites in early 2020 and the list of analytes will be revised based on initial results.

The Central Coast Regional Water Board, Eastern California Regional Cannabis Unit, and State Board Division of Water Quality are discussing ways to expand the South Coast pilot project into a multi-Region sampling program using statewide discretionary funding.



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Cannabis Regulatory Activity Map - South Coast Region

California Regional Water Quality Control Boards Los Angeles (4), Santa Ana (8), and San Diego (9)

Figure 1